UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

THE ASSOCATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS,	:	
Plaintiff,	:	
v.	:	**C.A. NO. 06-69T**
W. MICHAEL SULLIVAN, in his official Capacity as Director of the Rhode Island Department of Environmental Management,	:	
Defendant.	:	

MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR FILE A RESPONSIVE PLEADING AND MEMORANDUM IN SUPPORT

Now comes the Defendant, W. Michael Sullivan, who is being sued in his official capacity as Director of the Rhode Island Department of Environmental Management and respectfully moves for an enlargement of time, up to and including April 7, 2006, in which to file a response to Plaintiffs' Complaint.

In support of this motion, the State declares as follows:

1. Plaintiffs, The Association of International Automobile Manufacturers filed their complaint in this Court on February 13, 2005, challenging Rhode Island's adoption of California's clean air regulations which establish greenhouse gas emission standards for motor vehicles.

2. Plaintiffs' Complaint raises complex issues involving the Clean Air Act 42 U.S.C. §§ 7401 et seq., the Energy Policy and Conservation Act of 1975, as amended 49 U.S.C. §§ 32901 et seq., the Supremacy Clause in Article VI of

the United States Constitution and the Commerce Clause in Article 1 of the United States Constitution.

3. Because personal service was made on Defendants on February 14, 2006, the State's response, absent an enlargement of time, is due on March 7, 2006.

4. On February 14, 2006, Lincoln Dodge, Inc. et al filed a near identical complaint in this Court against the same Defendant. That action, Civil Action C.A. 06-70T, challenges the same regulations and asserts claims similar to those asserted by the Plaintiffs in the instant matter.

5. Because personal service of the Lincoln Dodge, Inc. et al Complaint was made on Defendants on February 13, 2006, the States response, absent an enlargement of time is due on March 6, 2006.

6. The parties in both cases have been discussing consolidation of these actions and will continue to do so.

7. These cases are related to other similar cases pending in state and federal courts in California, Maine, New York and Oregon, including Central Valley Chrysler-Jeep, et al v. Catherine Witherspoon, No. CIV-F-04-6663 REC LJO (E.D. California) ("Central Valley Chrysler").

8. The State is analyzing the allegations asserted in the Rhode Island cases as well as those in the other lawsuits including, in particular, the California litigation, and is evaluating in what manner to respond to this Complaint, whether by answer or responsive pleading. The State requires additional time to complete its review of these matters to determine the proper course for

litigation of this matter, and then to prepare a responsive pleading or other appropriate filing.

9. Counsel for the State conferred in good faith and has **obtained consent from Plaintiffs in this case for an extension up to and including April 7, 2006**, for filing an answer or responsive pleading.

WHEREFORE, Defendant respectfully requests that it be allowed up to and including April 7, 2006 to answer or otherwise respond to the Complaint.

Respectfully Submitted,

Defendant
By his Attorney,

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CERTIFICATION

I, the undersigned, hereby certify that I mailed a true copy of the within document, postage pre-paid, first class mail, on this 1st day of March, 2006 to those indicated below:

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